

REMARKS

Applicants respectfully request reconsideration of the above-captioned application. The Office Action of June 19, 2002 includes an objection to the disclosure suggesting that conventional subtitles be used. While it does not appear that the Office has the authority to impose the use of such subtitles, Applicants have no difficulty in inserting them to overcome the concerns expressed in the Office Action. Withdrawal of this objection is respectfully requested.

The Office Action also includes an objection to the drawings suggesting that the symbolically illustrated structure bare legends. Concurrently filed herewith is a Request for Approval of Drawing Changes in which element 3 of Figures 1 and 2 is to be labeled with the legend "Electronic Processing Unit". Approval of these drawing changes and withdrawal of this objection are respectfully requested.

The Office Action includes a rejection of claims 1, 3, 5, 9 and 13 under 35 U.S.C. §102(b) as allegedly being anticipated by the *Nishimura* patent (U.S. Patent No. 5,270,810); a rejection of claims 4, 7, 8, 18 and 20 under 35 U.S.C. §103 as allegedly being unpatentable over the *Nishimura* patent; and, finally, a rejection of claims 2, 6, 10-12, 14-17 and 19 under 35 U.S.C. §103 as allegedly being unpatentable over the *Nishimura* patent in further view of the *Branson* patent (U.S. Patent No. 5,740,801). These rejections are respectfully traversed.

Original claims 1-20 have been replaced with new claims 21-40 to place the claims in more convention U.S. claim format and to emphasize distinctions between the present

invention and the applied art. The rejections will be discussed relative to the new, pending claims.

As articulated throughout the specification, the present invention is directed to a distance viewing instrument. As explained in the application, the largest useful magnification of conventional hand held viewing instruments is limited because at higher magnifications image shake becomes too great. Also, it is difficult to center the image of distant objects when magnification is high because the field of view is low. The present invention addresses these problems by providing the possibility of freezing the instrument-produced image. The frozen image may then be studied without inconvenience by, for instance, providing the viewer with the possibility of studying the frozen image in detail under larger magnification. Hence, to find an object to be viewed, the viewer uses a low degree of magnification which provides a large field of view. Once found and centered, the user can freeze the image and study the image without the latter being subjected to shaking movements, etc.

In mark contrast to the present invention, the *Nishimura* patent is directed to an endoscope which of course does not view distant objects. It is designed to provide a video signal while providing a still image memory of internal body parts. A switch allows the user to selectively supply signals from the image memory as output signals.

Because an endoscope is not a distance viewing device, the claims 21-40 are not anticipated by the *Nishimura* patent insofar as independent claim 21 recites an optical system for viewing distant objects and providing images of the objects. Further, there is no

reason to modify an endoscope to perform this function because it would be completely contrary to the overall of purpose of endoscopes generally.

The *Branson* patent is also directed to an endoscopic system and therefore the same distinctions exist therein. Stated differently, even when viewed together, the hypothetical combination of the *Nishimura* patent with the *Branson* patent would not meet the features recited in claim 21.

With respect to hypothetical motivation for the combination of the *Nishimura* patent and the *Branson* patent, it is noted that such a modification may be applicable to endoscopes, but the hypothetical motivation would not appear to be applicable to distance viewing instruments.

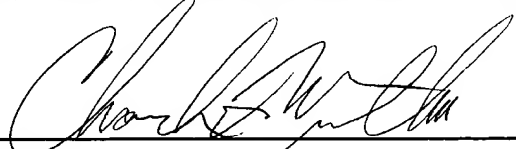
For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. It is noted, however, in passing that the informal indications of "Official Notice" have not been reviewed and are not accepted. For instance, Applicants do not necessarily agree that a timer for controlling a time-interval of a freezing image is well known in the art and, if the rejection is continued, Applicants respectfully request the Examiner to provided documentation of same. Further, the present invention also includes a second embodiment which includes two displays and two electronic retinas. There is no indication in the prior art of record that using two displays and two electronic retinas in a viewing instrument is known in the art and, if the rejection is continued, Applicants respectfully request that the Office provide prior art documentation establishing this assertion.

In light of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

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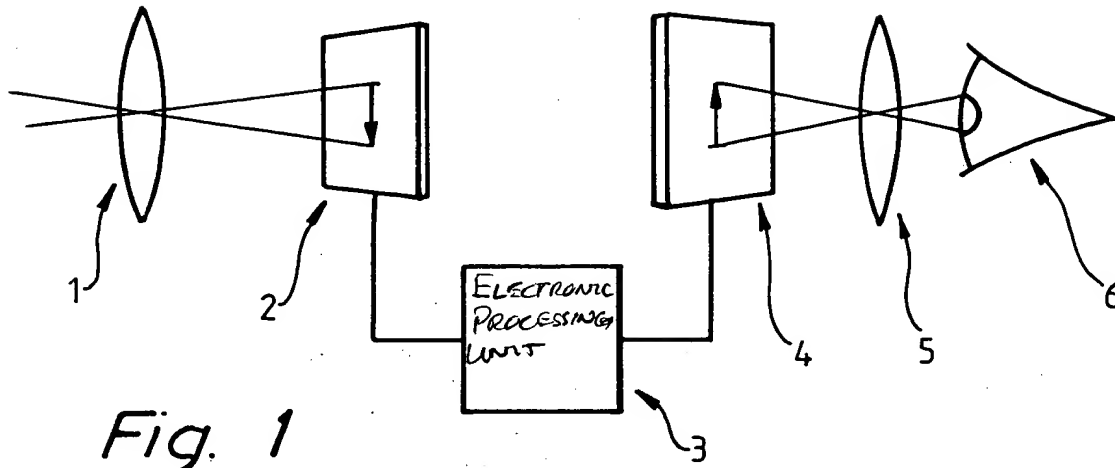


Fig. 1

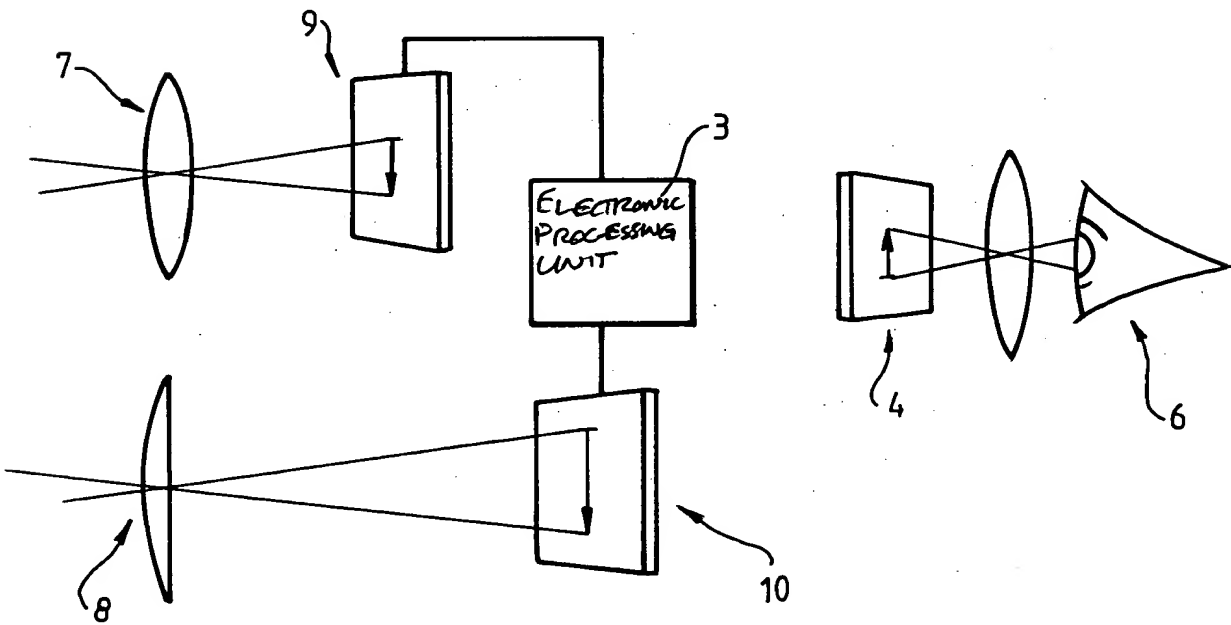


Fig. 2